



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

HOUSE BILL NO. 196

TUESDAY, FEBRUARY 22, 2005

The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Barbara Johnson

AN ACT relating to personal identification cards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 186.412 is amended to read as follows:

- 2 (1) A person under the age of twenty-one (21) at the time of application for an
3 instruction permit may apply for an operator's license to operate a motor vehicle,
4 motorcycle, or moped if the person has possessed the valid instruction permit for at
5 least one hundred eighty (180) days. A person who is at least twenty-one (21) years
6 of age at the time of application for an instruction permit may apply for an
7 operator's license to operate a motor vehicle, motorcycle, or moped if the person has
8 possessed the valid instruction permit for at least thirty (30) days.
- 9 (2) Except as provided in subsection (4) of this section, a person shall apply for an
10 operator's license in the office of the circuit clerk of the county where the person
11 lives. The application form shall require the person's:
- 12 (a) Full legal name and signature;
- 13 (b) Date of birth;
- 14 (c) Social Security number, federal tax identification number, a letter from the
15 Social Security Administration declining to issue a Social Security number, or
16 a notarized affidavit from the applicant to the Transportation Cabinet swearing
17 that the person either does not have a Social Security number, or refuses to
18 divulge his or her Social Security number, based upon religious convictions;
- 19 (d) Sex;
- 20 (e) Present Kentucky resident address, exclusive of a post office box address
21 alone;
- 22 (f) Other information necessary to permit the application of United States citizens
23 to also serve as an application for voter registration;
- 24 (g) A brief physical description of the applicant;
- 25 (h) A statement if the person has previously been licensed as an operator in

1 another state;

2 (i) Proof of the person's Kentucky residency including, but not limited to, a deed
3 or property tax bill, utility agreement or utility bill, or rental housing
4 agreement; and

5 (j) Other information the cabinet may require by administrative regulation
6 promulgated under KRS Chapter 13A.

7 (3) A permanent resident shall present one (1) of the following documents issued by the
8 United States Department of Justice, Immigration and Naturalization Service:

9 (a) An I-551 card with a photograph of the applicant; or

10 (b) A form with the photograph of the applicant or a passport with a photograph
11 of the applicant on which the United States Department of Justice,
12 Immigration and Naturalization Service has stamped the following:
13 "Processed for I-551. Temporary evidence of lawful admission for permanent
14 residence. Valid until -----. Employment authorized."

15 (4) If the person is not a United States citizen and has not been granted status as a
16 permanent resident of the United States, the person's application for an original
17 operator's license shall be submitted to either the Transportation Cabinet in
18 Frankfort or a Transportation Cabinet field office.

19 (a) The application form shall be accompanied by the person's documentation
20 issued by the United States Department of Justice, Immigration and
21 Naturalization Service, authorizing the person to be in the United States and,
22 if applicable, the person's international driving permit. The application form
23 of a special status individual with a K-1 status shall be accompanied by an
24 original or certified copy of the person's completed marriage license signed by
25 the official who presided over the marriage ceremony and two (2) witnesses.
26 The application form of a special status individual with a K-1 status shall also
27 include the person's petition to enter the United States for the purpose of

1 marriage that contains the name of the prospective spouse. If the name of the
2 prospective spouse on the petition does not match the name of the spouse on
3 the marriage license, the Transportation Cabinet shall not be required to issue
4 an operator's license.

5 (b) The Transportation Cabinet shall, within fifteen (15) days of receipt of the
6 application, review the person's documentation and determine if the person
7 will be issued a Kentucky operator's license. If the review of an application
8 will take longer than fifteen (15) days, the cabinet shall continue the review,
9 but the cabinet shall be required to make a determination in all cases within
10 thirty (30) days of receipt of the application.

11 (c) If the cabinet determines the person may be issued an operator's license, the
12 cabinet shall issue the person an official form that the person shall take to the
13 office of the circuit clerk of the county where the person resides. The circuit
14 clerk shall review the person's documentation and the official form issued by
15 the Transportation Cabinet. If the documentation is verified as accurate, and if
16 the person successfully completes the examinations required under KRS
17 186.480, the circuit clerk shall issue the person a Kentucky operator's license.

18 (d) Except as provided in paragraphs (e) and (f) of this subsection, a person who
19 is not a United States citizen and who has not been granted status as a
20 permanent resident of the United States shall apply to renew an operator's
21 license, or obtain a duplicate operator's license, in the office of the circuit
22 clerk in the county in which the person resides.

23 (e) If a person is renewing an operator's license or is applying for a duplicate
24 license after July 15, 2002, and the person's documentation issued by the
25 United States Department of Justice, Immigration and Naturalization Service,
26 has not been reviewed by either the Transportation Cabinet in Frankfort or
27 a Transportation Cabinet field office under the provisions of this subsection,

1 the person shall be required to apply for the renewal or duplicate with either
2 the Transportation Cabinet in Frankfort or a Transportation Cabinet field
3 office.

4 (f) If a person has any type of change in the person's immigration status, the
5 person shall apply to renew an operator's license with either the Transportation
6 Cabinet in Frankfort or a Transportation Cabinet field office.

7 (5) The circuit clerk shall issue an operator's license bearing a color photograph of the
8 applicant and other information the cabinet may deem appropriate. The photograph
9 shall be taken by the circuit clerk so that one (1) exposure will photograph the
10 applicant and the application simultaneously. When taking the photograph, the
11 applicant shall be prohibited from wearing sunglasses or any other attire that
12 obscures any features of the applicant's face as determined by the clerk. The clerk
13 shall require an applicant to remove sunglasses or other obscuring attire before
14 taking the photograph required by this subsection. Any person who refuses to
15 remove sunglasses or other attire prohibited by this section as directed by the clerk
16 shall be prohibited from receiving an operator's license. The operator's license
17 issued by the cabinet shall not contain the applicant's Social Security number. The
18 cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A
19 that develop a numbering system that uses an identification system other than Social
20 Security numbers. If an applicant does not have a Social Security number, or the
21 applicant has submitted a notarized affidavit refusing to divulge his or her Social
22 Security number based upon religious convictions, the Transportation Cabinet shall
23 assign the applicant a unique identifying number. The license shall also designate
24 by color coding and use the phrase "under 21" if the licensee is under the age of
25 twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or
26 "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant
27 to KRS Chapter 281A and is under the age of twenty-one (21).

1 (6) Every applicant shall make oath to the circuit clerk as to the truthfulness of the
2 statements contained in the form.

3 (7) (a) Except as provided in subsection (8) of this section, the circuit clerk shall
4 issue a color photo personal~~nondriver's~~ identification card to any person
5 who is a Kentucky resident and who resides in the county who complies with
6 the provisions of this section and who applies in person in the office of the
7 circuit clerk. An application for a personal~~nondriver's~~ identification card
8 shall be accompanied by the same information as is required for an operator's
9 license under subsection (2) of this section, except if a person does not have a
10 fixed, permanent address, the person may use as proof of residency a signed
11 letter from a homeless shelter, health care facility, or social service agency
12 currently providing the person treatment or services and attesting that the
13 person is a resident of Kentucky.

14 (b) It shall be permissible for the application form for a personal~~nondriver's~~
15 identification card to include as a person's most current resident address a
16 mailing address, post office box, or an address provided on a voter registration
17 card.

18 (c) Every applicant for a personal~~nondriver's~~ identification card shall make an
19 oath to the circuit clerk as to the truthfulness of the statements contained on
20 the application form. If the applicant is not the legal owner or possessor of the
21 address provided on the application form, the applicant shall swear that he or
22 she has permission from the legal owner, authorized agent for the legal owner
23 or possessor to use the address for purposes of obtaining the
24 personal~~nondriver's~~ identification card. The personal~~nondriver's~~
25 identification card shall designate by color coding and by use of the phrase
26 "under 21" if the applicant is under the age of twenty-one (21).

27 (d) A personal~~nondriver's~~ identification card shall be valid for a period of four

1 (4) years from the date of issuance. Except as provided in this subsection, an
 2 initial or renewal personal~~[nondriver's]~~ identification card issued to a person
 3 who is not a United States citizen and who has not been granted status as a
 4 permanent resident of the United States and who is not a special status
 5 individual, but who is a Kentucky resident, shall be valid for a period equal to
 6 the length of time the person's documentation from the United States
 7 Department of Justice, Immigration and Naturalization Service is issued, or
 8 four (4) years, whichever time period is shorter. An initial or renewal
 9 personal~~[nondriver's]~~ identification card shall be valid for a period of two (2)
 10 years if the person is not a special status individual and the person's
 11 documentation issued by the United States Department of Justice,
 12 Immigration and Naturalization Service, is issued for an indefinite period of
 13 time and does not have an expiration date. The fee shall be the same as for a
 14 regular personal~~[nondriver's]~~ identification card.

15 (e) A personal~~[nondriver's]~~ identification card may be suspended or revoked if
 16 the person who was issued the card presents false or misleading information to
 17 the cabinet when applying for the card.

18 (8) A person ~~may~~~~[shall not be eligible to]~~ be issued a personal~~[nondriver's]~~
 19 identification card if the person currently holds a valid Kentucky instruction permit
 20 or operator's license. If a person's instruction permit or operator's license has been
 21 suspended or revoked, the person may be issued a temporary personal~~[nondriver's]~~
 22 identification card. A temporary personal~~[nondriver's]~~ identification shall be
 23 renewed annually and ~~may~~~~[shall]~~ be surrendered when the person applies to have
 24 his or her instruction permit or operator's license reinstated.

25 (9) The Transportation Cabinet shall implement a voluntary statewide child
 26 identification program. The program shall issue a color photo personal~~[nondriver's]~~
 27 identification card to a child two (2) to fifteen (15) years of age. Application for a

1 child identification card shall be accompanied by a Social Security card and a birth
2 certificate for the child, or other proof of the child's date of birth as provided under
3 subsection (2) of this section. The card shall contain the child's name and the toll-
4 free number of the Kentucky Missing Persons Clearinghouse, Kentucky State
5 Police. The card shall not contain the child's Social Security number. The cabinet
6 shall set a four dollar (\$4) fee for the child identification card. Two dollars (\$2) of
7 the fee shall be used to cover the cabinet's cost for equipment and supplies. Two
8 dollars (\$2) of the fee shall be an administrative fee of the circuit clerk for issuing
9 the card which shall be deposited by the Administrative Office of the Courts into a
10 trust and agency account for the circuit clerks and used for the purposes of hiring
11 additional deputy clerks and providing salary adjustments to deputy clerks. The card
12 shall expire every four (4) years on the child's birthday. Within the time period that
13 the child identification card is valid, the card may be updated with a new
14 photograph and information. The fee for an updated card shall be four dollars (\$4),
15 with two dollars (\$2) of the fee going to the cabinet and two dollars (\$2) going to
16 the Administrative Office of the Courts in the same manner as the fee for an initial
17 card as described in this subsection. The descriptive data and a photo image of the
18 child shall be stored in the Kentucky Driver's License Information System and may
19 be retrieved and used by public agencies subject to the provisions of the Driver
20 Privacy Protection Act, 18 U.S.C. sec. 2721, and may also be used by the Kentucky
21 Missing Persons Clearinghouse.

- 22 (10) If a citizen of the Commonwealth currently serving in the United States military is
23 stationed or assigned to a base or other location outside the boundaries of the
24 Commonwealth, the citizen may renew a Class D operator's license issued under
25 this section by mail. If the citizen was issued an "under 21" operator's license, upon
26 the date of his or her twenty-first birthday, the "under 21" operator's license may be
27 renewed for an operator's license that no longer contains the outdated reference to

1 being "under 21."

2 (11) A citizen of the Commonwealth renewing an operator's license by mail under
3 subsection (10) of this section may have a personal designee apply to the circuit
4 clerk on behalf of the citizen to renew the citizen's operator's license. An operator's
5 license being renewed by mail under subsection (10) of this section shall be issued a
6 license without a photograph. The license shall show in the space provided for the
7 photograph the legend "valid without photo and signature."

8 (12) If a citizen of the Commonwealth has been serving in the United States military and
9 has allowed his operator's license to expire, he shall, within ninety (90) days of
10 returning to the Commonwealth, be permitted to renew his license without having
11 to take a written test or road test. A citizen who does not renew his license within
12 ninety (90) days of returning to the Commonwealth shall be required to comply
13 with the provisions of this chapter governing renewal of a license that has expired.
14 If a citizen of the Commonwealth has been issued an "under 21" or "under 21 CDL"
15 operator's license and the person is unable to renew the license on the date of his
16 twenty-first birthday, the "under 21" or "under 21 CDL" operator's license shall be
17 valid for ninety (90) days beyond the date of the person's twenty-first birthday.

18 (13) The cabinet shall provide on each license to operate motor vehicles, motorcycles,
19 and mopeds a space for the licensed driver's:

20 (a) Blood type;

21 (b) Medical insignia if the person provides evidence that a medical identification
22 bracelet noting specific physical ailments or a drug allergy is being worn or
23 other proof as may be required by the cabinet; and

24 (c) A statement whereby the owner of the license may certify in the presence of
25 two (2) witnesses his willingness to make an anatomical gift under KRS
26 311.195.

27 (14) If the motor vehicle operator denotes a physical ailment or drug allergy on the

1 operator's license, he may apply for and shall receive, for a fee of one dollar (\$1)
 2 paid to the circuit clerk, a medical insignia decal that may be affixed to the lower
 3 left side of the front windshield of a motor vehicle.

4 (15) An operator's license pursuant to this section shall be designated a Class D license.

5 (16) A person shall not have more than one (1) license.

6 (17) Upon marriage, a woman applying for an operator's license or a color photo
 7 personal~~[nondriver's]~~ identification card shall provide the circuit clerk with her
 8 marriage license and complete an affidavit form provided by the circuit court clerk.
 9 She shall have the following choices in regard to her full legal name as required in
 10 subsections (2) and (7) of this section:

11 (a) Use her husband's last name;

12 (b) Retain her maiden name;

13 (c) Use her maiden name hyphenated with her husband's last name;

14 (d) Use her maiden name as a middle name and her husband's last name as her
 15 last name; or

16 (e) In the case of a previous marriage, retain that husband's last name.

17 (18) Upon issuing an operator's license or personal~~[nondriver's]~~ identification card, the
 18 clerk shall draw the recipient's attention to the location on the license relating to
 19 anatomical gifts under subsection (13)(c) of this section and offer to allow
 20 personnel in the clerk's office to serve as the witnesses to the recipient's certification
 21 of willingness to make an anatomical gift if the recipient is the person to whom the
 22 license is issued.

23 Section 2. KRS 186.531 is amended to read as follows:

24 (1) The cost of operators' licenses and permits shall be as follows:

25 (a) The fee for a four (4) year original or renewal motor vehicle license shall be
 26 eight dollars (\$8);

27 (b) The fee for a four (4) year original or renewal motorcycle operator's license

1 shall be twelve dollars (\$12) and a combination motor vehicle-motorcycle
2 operator's license shall be eighteen dollars (\$18);

3 (c) The fee for an instruction permit for a motor vehicle shall be two dollars (\$2)
4 plus four dollars (\$4) for preparing and acknowledging the application;

5 (d) The fee for an instruction permit for a motorcycle shall be five dollars (\$5)
6 plus one dollar (\$1) for preparing and acknowledging the application;

7 (e) The fee for a duplicate license shall be six dollars (\$6);

8 (f) The fee for an identification card shall be four dollars (\$4). The fee for a
9 duplicate identification card shall be two dollars (\$2); and

10 (g) Any applicant under the age of twenty-one (21) who meets the requirements
11 for the issuance of a valid driver's license shall be issued a license valid until
12 the date the applicant attains the age of twenty-one (21). The fee for the
13 license shall be two dollars (\$2) per year for the requisite number of years as
14 set forth herein. The applicant shall have thirty (30) days after his twenty-first
15 birthday in which to renew his driver's license.

16 (2) Except as provided in subsection (3) of this section, the circuit clerk shall deposit in
17 the State Treasury to the credit of the general fund except as provided in paragraph
18 (a), paragraph (f), and paragraph (g) of this subsection fees pertaining to
19 applications and license fees in the following manner:

20 (a) Twenty-two per cent (22%) of the cost for the issuance of any original and
21 renewal license shall be deposited in a trust and agency account to the credit
22 of the Administrative Office of the Courts and shall be used to assist circuit
23 clerks in hiring additional employees and providing salary adjustments for
24 employees;

25 (b) One dollar (\$1) for issuance of any instruction permit;

26 (c) One dollar (\$1) for preparing and acknowledging an application for an
27 instruction permit;

- 1 (d) One dollar and twenty-five cents (\$1.25) for preparing and acknowledging an
 2 application for a duplicate;
- 3 (e) One dollar and twenty-five cents (\$1.25) for each identification card;
- 4 (f) For each original or renewal license one dollar (\$1) shall be credited to a
 5 special account within the state road fund and shall be used by the
 6 Transportation Cabinet exclusively for the purpose of issuing a photo license.
 7 For each original or renewal motorcycle operator's license and each
 8 motorcycle instruction permit, four dollars (\$4) shall be credited to a special
 9 account within the state road fund and shall be used exclusively for the
 10 purpose of the motorcycle safety education program fund pursuant to KRS
 11 186.890;
- 12 (g) An applicant for an original or renewal motor vehicle operator's license,
 13 commercial driver's license, motorcycle operator's license, or
 14 personal~~[nondriver's]~~ identification card shall be requested by the clerk to
 15 make a donation of one dollar (\$1) to promote an organ donor program. The
 16 one dollar (\$1) donation shall be added to the regular fee for an original or
 17 renewal motor vehicle operator's license, commercial driver's license,
 18 motorcycle operator's license, or personal~~[nondriver's]~~ identification card.
 19 One (1) donation may be made per issuance or renewal of a license or any
 20 combination thereof. The fee shall be paid to the circuit clerk and shall be
 21 retained by the clerk to be used exclusively for the purpose of promoting an
 22 organ donor program. Organ donation shall be voluntary and may be refused
 23 by the applicant at the time of issuance or renewal of a license; and
- 24 (h) Three dollars (\$3) for a combination motor vehicle-motorcycle operator's
 25 license.
- 26 (3) The following fees shall be deposited in a trust and agency account to the credit of
 27 the Administrative Office of the Courts and shall be used to assist circuit clerks in

1 hiring additional employees, providing salary adjustments for employees, providing
2 training for employees, and purchasing additional equipment used in administering
3 the issuance of driver's licenses:

4 (a) One dollar (\$1) for issuing of an instruction permit;

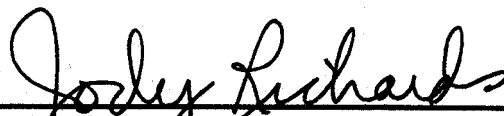
5 (b) Three dollars (\$3) for preparing and acknowledging an application for an
6 instruction permit;

7 (c) Four dollars (\$4) for preparing and acknowledging an application for a
8 duplicate license;

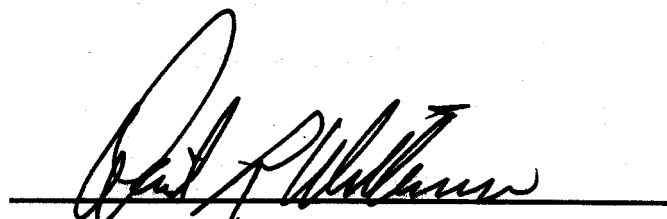
9 (d) Ten dollars (\$10) for preparing and acknowledging an application for a
10 reinstatement fee; and

11 (e) These fees shall be in addition to other funds provided to the circuit clerk
12 through the regular appropriation made by the General Assembly to the
13 Administrative Office of the Courts.

14 (4) The remainder of all fees, and other moneys collected by the circuit clerk shall be
15 forwarded to the state.



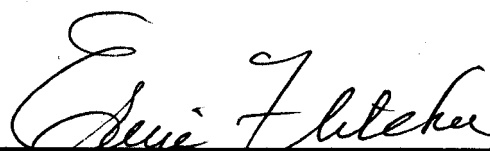
Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 